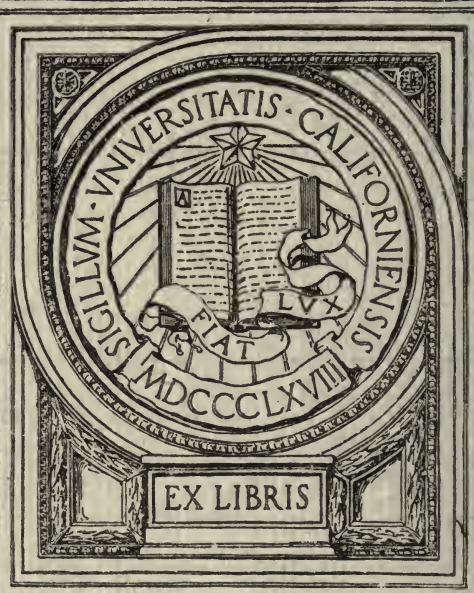

PRIMARY ELECTION LAW.

ACT NO. 49. 1906

By Mr. Kernan. House Bill No. 37.

(Chairman of Joint Primary Election Committee.)

AN ACT.

To provide for calling, holding, conducting and regulating of primary elections; to provide that it shall be compulsory that all nominations to be made by any political party for candidates for the office of United States senator, members of the House of Representatives in Congress, all State, district and parochial officers, members of the Senate and House of Representatives of the State of Louisiana, and of city and ward officers in all cities, towns and villages shall be made by a direct primary; to define the term political party under this Act; to prescribe the qualifications of electors participating in and candidates for nomination to be voted for at said primary election; to prescribe the number and manner of choosing commissioners who shall preside over and conduct said election; to provide the time and manner of conducting said primary election; to provide for the defraying the expenses of said primary election; to provide the duties of officers to whom returns are to be made; to prescribe what are offenses against, and to provide penalties for violations thereof, and to repeal all laws or parts of laws in conflict therewith.

All party nominations must be made by primary election.

Section 1. Be it enacted by the General Assembly of the State of Louisiana, That all political parties shall make all nominations for candidates for the United States Senate, members of the House of Representatives in Congress, all State, district, parochial and ward officers, members of the Senate and House of Representatives of the State of Louisiana, and of city and ward officers in all cities, towns and villages by a direct primary election. That any nomination, of any person, for any of the aforementioned offices by any other method shall be illegal, and the Secretary of State is prohibited from placing on the official ballot the name of any person as a candidate for any political party not nominated in accordance with the provisions of this Act.

Definition of "political party."

Section 2. Be it further enacted, etc., That the term of political party as used in this Act is defined to be a political party that shall have cast at least ten per centum of the entire vote cast for Governor at the last preceding State election.

Date of meeting of State central committee.

Section 3. Be it further enacted, etc., That the State Central Committee of the political parties coming within the provisions of this Act shall, on the first Tuesday in October, next preceding the date of the general State election held in the State for Governor and all other State officials, meet and issue a call for a primary election to nominate candidates for said political parties for Governor or other State officers; that they shall select a date, which shall not be less than 70 and not more than 90 days prior to the date of said general State election. That in the year in which the General Assembly is chosen, which will elect a United States Senator, the State Central Committees of the respective parties coming within the provisions of this Act, shall direct that a primary shall be held to select a candidate or candidates for the United States Senate, at the same primary election at which nominations for State officers are voted for.

Date of primary for election of State officers not less than 70 and not more than 90 days prior to date of election.

Date of meeting of district and parochial committees.

Section 4. Be it further enacted, etc., That within twenty days after the issuance of said call by the State Central Committee for said primary election to nominate candidates for State officers, as hereinbefore provided, the respective district and parochial committees shall meet and order that all nominations for district, parochial and ward officers, and members of the General Assembly of the State of Louisiana that are required by law to be voted for at the general State election, shall be made by direct primary on the same date and at the same places at which candidates for State officers are voted for.

Date of meeting of congressional committees.

Section 5. Be it further enacted, etc., That the Congressional District Committees of the political parties coming within the provisions of this Act shall, on the first Tuesday of July preceding the congressional elections, meet and issue a call for a primary election to nominate candidates for said political parties for members of Congress. That they shall select a date which shall not be less than sixty and not more than seventy days prior to the date of the said congressional election.

When other officers are to be elected at same time as congressional election.

Section 6. Be it further enacted, etc., That whenever any State, district, judicial, parochial or municipal officers are to be elected at the same time and on the same day on which congressmen are to be elected, the respective committees of the political parties having authority for calling elections to make such nominations, shall within ten days after the ordering of the primary election to nominate candidates for Congress by the congressional district committee, meet and issue a call ordering and directing that a primary election be held to make nominations for such State, district, judicial, parochial or municipal officers at the same time and at the same places at which the congressional primary election is held.

Section 7. Be it further enacted, etc., That the respective committees of the various political parties having authority to order nom-

inations for municipal or ward officers in any cities, towns or villages where the election of such officers does not fall on the same date at which a general State election for State officers is held, or on the same date at which congressmen are elected, shall meet ninety-one days prior to the date of holding said election and shall order a primary election held to nominate candidates for said municipal and ward officers not less than sixty and not more than seventy days prior to the date at which said officers are to be elected.

Date of primary for municipal or ward officers.

Section 8. Be it further enacted, etc., That whenever a special election is held to fill a vacancy for an unexpired term, caused by death, resignation or otherwise, of any officer, the respective committees having authority to call primary elections to nominate candidates for said office shall have full authority to fix the date at which a primary election shall be held to nominate candidates in said special election, which date shall not be less than ten days after the special election shall have been ordered.

Where special election is to be held to fill a vacancy for unexpired term.

Section 9. Be it further enacted, etc., That the qualifications of voters and of candidates, in all primary elections held under this Act, shall be the same as now required by the Constitution and election laws of this State for voters at general elections, subject to an additional political qualification which may be prescribed by the State Central Committees of the respective political parties coming under the provisions of this Act; the repesctive State Central Committees of the respective political parties coming under the provisions of this Act shall meet within sixty (60) days after the promulgation of this Act and then fix the said additional political qualification as herein authorized.

Qualification for voters and candidates in primary election.

Section 10. Be it further enacted, etc., That in order that none but those affiliating with, and being members of any political party shall participate in any primary election held by said political party every person offering to vote, shall be asked by the commissioners of election whether or not he is a member of such political party and whether or not he will support the nominees of said primary election; and, he shall not be permitted to vote unless he shall answer both of said questions in the affirmative.

Party affiliation may be asked voter at poll.

Section 11. Be it further enacted, etc., That any person desiring to become a candidate in any primary election held under the provisions of this Act, shall, within twenty days for State and district officers, and within ten days for parochial and ward officers, etc., from and after the issuance of the call of the said committee for the said primary election, file with the respective officers hereinafter designated, his written notification of his intention to become a candidate at such primary, accompanied by a declaration that he is a duly qualified elector under the Con-

Time of offering to be a candidate in primary elections.

stitution and Laws of this State, "and that he is a member of the party calling said primary election."

Section 12. Be it further enacted, etc., That all candidates for nomination for United States Senator, Congressman, Governor, Railroad Commissioner, Judge of the Supreme Court, and other State officers voted for throughout the entire State or Congressional or Railroad Commission Districts shall file written notification and declaration as provided for in Section 11 of this Act, with the Secretary of State, and as an evidence of good faith all such candidates, shall, at the time of filing said notice, be required to deposit with the Secretary of State the sum of two hundred and fifty dollars, said deposit to be returned on promulgation of the returns if the candidate is shown to have received at least ten per centum of the total vote cast for the office for which he was a candidate, or, if he dies or withdraws by written communication sent to the Chairman of the State Central Committee prior to the holding of the said Primary Election.

Deposit to be made by candidates.

Section 13. Be it further enacted, etc., That the expense of primary election held under this Act shall be apportioned and defrayed as follows:

Expenses of printing ballots and furnishing stationery for primaries of U. S. Senators, Congressmen and State officers to be paid for by the State.

(a) The expense of printing ballots and the furnishing the necessary stationery and other election supplies for the primary election in which candidates for United States Senator, Congressmen, Governor and other State officers who are voted for throughout the entire State or Congressional Districts, and also other expenses necessary to the transmission and promulgation of the returns, shall be paid by the State of Louisiana, in the same manner as for general elections.

Expense of all other elections to be paid for by candidates.

(b) That the expense of printing ballots and furnishing the necessary stationery and other election supplies for the primary election in which candidates for all other offices are to be nominated, shall be paid by the candidates participating in said primary.

Expense of holding elections to be borne by parishes, cities, towns and villiages.

(c) That the necessary expenses incidental to the holding and conducting of the said primary elections, such as payment of commissioners and clerks of election, rent of polling places, expenses of delivery of the ballot boxes and supplies to and from the polling places, shall be borne by the respective parishes, cities, towns and villages, and the respective police juries and municipal authorities shall provide, by ordinance, for their payment.

Other expenses to be paid by candidates.

(d) That any other actual expenses necessary and incidental to the calling and holding of the said primary election, shall be borne by the candidates participating therein.

Committees to fix sum to be assessed against each candidate.

(e) That the respective committees authorized under this Act to call primary elections, shall, by resolution adopted at the same meeting at which they called said primary, fix the sums assessed against each

candidate for the purpose of defraying the actual expenses to be borne by him as hereinabove provided for, and the amount so fixed and assessed shall be paid by the candidate at the time of filing his written notification of candidacy. Failure to make payment as herein provided will debar any such candidate from having his name placed on the official ballot for such primary election; provided, that such amount as shall remain unexpended in said primary election shall be returned to the various candidates in proportion to the amount contributed by them.

Ballots for U. S. Senators, Congressmen and State officers to be furnished by the Secretary of State.

Section 14. Be it further enacted, etc., That the primary election ballot used in all primary election for United States Senators, Congressmen, Governor and other State officers voted for throughout the entire State or Congressional Districts, held under the provisions of this Act, shall be furnished by the Secretary of State, printed upon white paper of uniform quality, texture and size, and printed in black ink. At the top of said ballot and printed in large capital letters shall be the party designation, then shall follow the number of the primary district and location of polling place. Then shall follow the name of each office, and below the name of each office, in smaller capital letters, shall follow the names of all candidates (alphabetically arranged according to surnames) for the nominations of said office in the order in which said list of officers shall be arranged by the respective party committees. The names of all candidates shall be printed in type of uniform size and style, and in a vertical column. Immediately following and opposite the name of each candidate, on the same line, shall be printed a square space, and all such square spaces shall be of uniform size. Spaces between the names of candidates for each office shall be uniform, and sufficient space shall separate the names of candidates for one office, from the names of candidates for another office, to avoid confusion.

Style of ballots

Ballot shall also contain names of State Central and Congressional District Committees.

The primary ballot shall also contain the names of candidates for delegates to the State Central and Congressional District Committees. No primary ballot shall be used unless the same shall substantially comply with the requirements of this Act, and any ballot not in accordance herewith shall be void for all purposes, and shall not be received, deposited or counted by any person or commissioner at any such primary election. No person shall be a candidate for delegate to the State Central or Congressional District Committees who is not a duly qualified voter therein.

Distribution of ballots and election material by Secretary of State.

Section 15. Be it further enacted, etc., That the Secretary of State shall send a sufficient number of ballots, together with a sufficient number of tally sheets and "Cards of Instruction for the Guidance of Voters" to the respective chairmen of the respective committees in each of the several parishes, so as to be received by them at least three days pre-

vious to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling places for which they are intended and the number of ballots inclosed. The respective chairman shall, on delivery to them of such packages, return receipts therefor to the Secretary of State. The Secretary of State shall keep a record of the time when, and the manner in which the several packages are sent and the number of ballots in each package, and shall preserve same for the period of six months, together with the receipt of the said chairman.

Distribution of ballots and election material to election commissioners by political committees.

Section 16. Be it further enacted, etc., That the respective committees shall send to the commissioners of each voting place, before the opening of the polls on the day of election, cards of instruction, tally sheets, blank forms and the set of ballots, as sealed and marked by the Secretary of State, for each voting place, and a receipt of such delivery shall be returned to them from the commissioners present, which receipt shall be kept for the period of six months. At the opening of the polls in each polling place, the seal of the package shall be publicly broken and the package shall be opened by the Commissioners, and the ballots shall be delivered to the Commissioners of election hereinafter provided for. The cards of instruction shall be immediately posted at or in each voting shelf or compartment, provided in accordance with this Act, and not less than three such cards shall be immediately posted in or about the polling room.

Duty of chairman of committee to provide ballots where originals are not delivered or where original ballots are lost or destroyed.

Section 17. Be it further enacted, etc., That in case the ballots to be furnished to any voting place in accordance with the provisions of this Act, shall fail, for any reason to be delivered, or in any case after delivery they shall be destroyed or stolen, it shall be the duty of the chairman to cause other ballots and cards of instruction to be prepared substantially in the form and to the number of the ballots wanting and to be furnished, and upon receipt of such other ballots from him, accompanied by a statement under oath, that the same have been so prepared and furnished by him, and that the original ballots have failed to be received or have been destroyed or stolen, the commissioners shall cause the ballots so substituted to be used in lieu of the ballots wanting, as above.

Polling places; polling booths for secret ballots.

Section 18. Be it further enacted, etc., That the officers whose duty it is to designate and appoint polling places throughout the State shall cause the same to be provided with voting shelves and compartments, known as polling booths in which voters may conveniently and with absolute secrecy mark their ballots; said booths to be similar in character to those used, as provided, for by law, in regular elections. That the officers whose duty it is to designate and appoint polling places

in cities of more than 50,000 inhabitants, shall cause the same to be provided with voting shelves and compartments, known as polling booths, in which voters may conveniently and with absolute secrecy mark their ballots. There shall be in each polling place, during each election, a sufficient number of voting booths, and not less than one for every one hundred voters in the precinct. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards, and shall extend within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide, extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including black ink, pads, blotting paper and pencils having black lead only, as will enable the voters to conveniently prepare their ballots for voting. Each polling booth shall be furnished with stamps or dies for making the voting mark upon the ballots, and shall have inking pads with ink of uniform color and quality. Each booth shall be kept clearly lighted, while the polls are open, by artificial lights if necessary. A guard rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail, and each guard rail shall be provided with a separate entrance and separate exit. The arrangements of the polling place shall be such that the booths can only be reached by passing within the guard rail, and the booths; ballot boxes, commissioners and every part of the polling places, except the inside of the booth, shall be in plain view of the commissioners and of persons just outside of the guard rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in front of said booth.

Election tickets other than for U. S. States Senators, Congressmen and State officers to be furnished by proper committee.

Section 19. Be it further enacted, etc., That the primary election ballots used in all primaries other than those provided for in Sections 14, 15, 16 and 17, shall be furnished by the respective committees and shall be printed in the manner and form as ballots for United States Senators, Congressmen and State officers, and shall be delivered to the commissioners of election by the chairman of the respective committees, whose duties in this respect shall be similar to those provided herein for the Secretary of State.

Delivery of such ballots to be made by proper committee.

Section 20. Be it further enacted, etc., That the delivery of the primary ballots, stationery, ballot boxes and other necessary election supplies hereinbefore required to be made by the respective committees throughout the State, shall be by special deputies selected by said committees, whose duty it shall be to deliver the said primary ballots, etc., to the commissioners at the respective polling places as hereinbefore provided for in Section 16. That the duties of said special deputies shall

be the same as those of the special deputy sheriffs appointed under the general election laws of this State, and they shall take an oath to honestly and faithfully perform their duties, and safely deliver said boxes. tickets and election supplies to the respective commissioners. The chairman and vice chairman of all committees are authorized to administer oaths.

Poll to be established in every voting precinct; opening and closing.

Section 21. Be it further enacted, etc.. That a poll shall be established in every voting precinct of the State, as now or may hereafter be fixed and established by law, at which said election shall be held, and the polls shall be opened at 6 a.m. and shall be closed at 7 p.m.

The location of said polling booths, when not fixed by law, shall be selected by the various parish committees throughout the State.

Location of polls to be published.

The respective committees in the several parishes, throughout the State, shall cause to be published the location of said polling booths in the official journal of the parish, at least three times for three weeks preceding the day of the election, and in the city of New Orleans, in any of the daily papers.

Voters must be registered ten days in advance of primary election: duty of Registrar.

Section 22. Be it further enacted, etc., That no voter shall be allowed to take part in any primary, who shall not have registered at least ten days prior to the date of the primary election held under this Act. That seven days prior to every primary election, the Registrars of Voters throughout the entire State shall make a complete list of all registered voters in every voting precinct in the parish, certify to the same, and within three days before the primary election, deliver the same to the respective parish committees of the party holding the said primary election, without any cost or charge whatsoever.

Duty of Sheriffs and City Treasurer to furnish list of poll tax payers.

That the sheriffs of the several parishes throughout the State, and the City Treasurer of the city of New Orleans, shall, three days before the date of any primary election held under this Act, deliver to the several parish committees throughout the State, lists of persons who have paid their poll taxes for the two years preceding the year in which the primary is held. That the number of lists of poll taxes so to be delivered shall be one for each voting precinct as fixed by law in said parish. That these lists shall be delivered and furnished free of all charges and expense.

Ballot boxes, list of poll tax payers, and list of registered voters to be delivered to election commissioners.

That the said respective parish committees shall transmit by the special deputy selected by them to deliver ballot boxes, etc., to each polling precinct the list of the registered voters for said precinct, so furnished him by the Registrar of Voters of his parish as hereinbefore provided for, and also the list of all persons who have paid their poll taxes so furnished to them by the sheriff or city treasurer, as the case may be.

The sheriffs throughout the State, and the Civil Sheriff in the Parish of Orleans shall deliver to the respective parish committees, of parties holding primaries under this Act, a sufficient number of ballot boxes for each and every polling precinct.

Section 23. Be it further enacted, etc., That each poll shall be presided over by three commissioners of election, and at each poll there shall be two clerks.

Commissioners clerks of election and watchers; method of selecting.

The said commissioners shall be selected as hereinafter provided, and shall be commissioned in each parish by the chairman of the respective parish committee for such parish. In case of the absence, inability or refusal of such chairman to act, they shall be commissioned by the vice chairman. These election officers shall possess the same qualifications as are required by the voters at the polls at which they shall preside, and said commissioners, clerks and special deputy sheriffs shall receive the same compensation as is paid to commissioners of election at elections held under the general election laws of the State.

The commissioners of election shall be selected as follows, to wit:

That in any election held under this Act, that each and every local candidate in each parish in this State, shall submit to the respective parish committee of said parish at least fifteen days prior to the date on which any primary election is to be held, under this Act, the name of one duly qualified voter, to act as a commissioner of election, for each and every voting precinct in said parish that fourteen days prior to the date on which the primary election is to be held, at 12 o'clock noon, the respective parish committees in each parish throughout the State, shall be regularly convened and they shall proceed to select from the various names submitted to them by the candidates, as aforesaid, three commissioners of election to preside over the election at each and every voting precinct in the said parish, and the two clerks, in the following manner, to wit:

The said parish committee shall take the names submitted to them for each particular precinct by the candidates aforesaid, write each name so submitted on a separate piece of white paper, of equal and uniform size, and place the various slips, so made up, in a hat or some other receptacle without folding them; the committee shall select some person to draw five of said slips, so placed in the hat or other receptacle, and the persons whose names are written on the first three slips so selected shall be the commissioners of election to preside over the particular voting precinct, and the other two shall be the clerks of election, and the balance of the names remaining undrawn shall be commissioned as watchers, and they shall have all the authority and powers conferred on watchers by the general election law; that the person selected to

draw the said five slips from the hat or other receptacle shall be blindfolded at the time of and during the drawing: that the drawing shall be public and in the presence of the committee and such spectators as may desire to be present, and said drawing must be done at the courthouse, in each and every parish of the State, and in the city of New Orleans, at the Civil District Court.

That the commissioners and clerks of election for each precinct, shall be drawn separately, that is, one precinct at a time until the commissioners and clerks of election for each and every precinct in the parish have been thus selected.

Same, where there are no local candidate.

In the event at any primary election held to nominate candidates for State offices, district offices and Congress, there should be no local officers to be nominated at the same time, the respective candidates for the State offices, District offices or Congress, shall send in to the various parish committees the name of one duly qualified voter, under this act for each and every precinct in the parish, as is hereinbefore provided for local candidates to do, and the commissioners of election and clerks shall be drawn in the same manner from these names as hereinbefore provided in this section.

Definition of "local candidate."

That the term "local candidate" used herein, in this section, is defined to be any candidate for any parish or municipal office, except those of Justice of the Peace or Constable.

Method of electing commissioners when selected commissioners are not present.

In case no commissioners of election or clerks shall have been selected, or, if none of those who have been selected, be present within one hour after the time fixed for the opening of the poll, the voters of the party holding the primary, present at such precinct, shall hold a meeting and elect the commissioners to preside at the election, who shall perform all duties of the regularly selected commissioners and clerks. Should any one of the commissioners selected be present, he shall select another, and both together shall select a third and two clerks as above provided; the commissioners so selected shall take the oath and perform all the duties of commissioners of election in the same manner as if they had been selected as hereinbefore provided.

Oath to be taken by commissioners and clerks.

Before entering upon the discharge of their duties, the commissioners of election shall swear each other, and the clerks, to faithfully, honestly and impartially conduct the election.

Their duties, power and authority.

The same power and authority vested in every commissioner by the general election laws of the State is hereby conferred upon the commissioners conducting any primary election under this Act. It shall be the duty of the commissioners and the clerks, at each polling place, to keep duplicate lists of the persons voting at such voting place, which lists

shall be numbered consecutively from one to the end, and such lists so kept and numbered shall be signed and sworn to as correct, by them, immediately upon closing the polls, and before opening the ballot boxes. One of the lists shall be deposited in the ballot box, with the ballots, after the count has been made, and the other shall be transmitted, with the returns, to the Secretary of State in primary elections held for United States Senators, Congressmen, and State officers who are voted for throughout the State and in all other primary elections, and to the respective chairmen of the committees ordering the primary election.

Immediately after the closing of the polls and the signing and swearing to the poll lists, the commissioners shall proceed to publicly canvass the votes; they shall make tally sheets in duplicate, and shall tabulate the votes, and sign the same and swear to their correctness, and publicly announce the result to the bystanders. Same.

The returns in all primary elections shall be made as follows:

In primary elections held for United States Senators, Congressmen and State officers voted for throughout the entire State, and respective congressional districts, commissioners of election shall deposit one of the tally sheets and one of the poll lists, signed and sworn to as hereinbefore provided, in the ballot box, and the other duplicate poll list and tally sheet, signed and sworn to as hereinbefore provided, shall be placed in a sealed envelope directed to the Secretary of State at Baton Rouge, La., and immediately forwarded to him through the United States mail. Method of making returns.

In all other elections held under this Act, the returns shall be made as hereinbefore provided, except that the duplicate tally sheet and the poll list, hereinbefore required to be forwarded to the Secretary of State, shall be placed in a sealed package addressed to the chairman of the respective committees ordering the said primary, and be delivered to him, in person, by the commissioners of election.

In any year when other officers, district, parochial, ward or municipal are to be nominated at the same time and at the same polling places as United States Senators, Congressmen, Governor and other State officers who are to be voted for throughout the entire State or congressional districts, an additional poll list shall be made, and the tally sheets for such district, ward, parochial or municipal officers shall be separate from those for United States Senator, Congressmen, Governor and other State officers, and this additional poll list shall be delivered to the chairmen of the respective committees ordering the district, parochial, ward or municipal election as aforesaid. Same.

And when district, ward, parochial or municipal officers are to be nominated as aforesaid, at the same time as United States Senators, Same.

Congressmen, Governor and other State officers, there shall be separate ballot boxes, one for the purpose of depositing the ballots cast for said United States Senators, Congressmen, Governor and other State officers, and one for depositing said district, parochial, ward and municipal ballots.

Same.

The ballot boxes containing the ballots, poll list and tally sheet shall be carefully sealed after the count shall have been completed and the returns signed and sworn to, shall be deposited with the respective clerks of the district courts throughout the State, and in the Parish of Orleans, with the Clerk of the Criminal District Court, by the commissioners of election.

Manner of voting.

Section 24. Be it further enacted, etc., That any person desiring to vote shall give his name, occupation and registration papers (if such be provided for) to any one of the commissioners, who shall thereupon announce the same in a loud and distinct tone of voice, clear and audible, and, if such name is found on the registration list by the commissioner having charge thereof, he shall likewise repeat the same. The commissioner shall give the applicant one, and only one ballot, and his name shall be immediately checked on said list, and shall also be entered on a poll list, hereinbefore provided for, before he deposits his ballot in the box. On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire to the place provided for the preparation of his ballot, and designate his choice, by stamping or making a cross, in ink or with lead pencil, in the voting space to the right of and opposite to the name or names of the candidates he desires to support for the particular office for which they have offered. The voter shall be at liberty, if he is unable to prepare his own ballot, to call upon one of the commissioners or clerks of election to assist him. If a voter tear, soil, or deface a ballot so that it cannot be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so torn, soiled or defaced to the commissioners.

That any voter or commissoiner who shall, except as hereinbefore provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or place any distinguishing mark upon his ballot, or who shall make a false statement as to his inability to mark this ballot, or any person who shall interfere or attempt to interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before voting to show how he is about to mark, or has marked his ballot, or otherwise violates any of the provisions of this act, shall be punished in accordance with Section 31 of this Act.

Section 25. Be it further enacted, etc., That in all elections where returns, are by this act provided to be made to the Secretary of State, he shall immediately proceed to tabulate and compile the same, and shall within ten days after the date of said primary election promulgate same in the official journal of the State, and shall forward a certified copy thereof, under his signature and seal of office to the chairman of the committee of the party ordering the primary.

Duty of Secretary of State to promulgate returns.

That within five days after the promulgation of the said returns, if any candidate should feel aggrieved at the result, he shall have a right to protest against the result as set forth in the promulgation, as hereinbefore provided for, by presenting a petition to the respective committee ordering the said primary by filing with the chairman of the said committee a written protest setting forth, clearly and distinctly, his grounds of protest. That on the fifteenth day after the day of the holding of the said primary election, at 12 o'clock noon, the respective committee ordering said primary shall reconvene at the same place as it met when it ordered the said primary and proceed to immediately hear and determine said protest within three days, provided, however, that any candidate feeling aggrieved by the decision of the committee shall have the right to have same reviewed by a court of competent jurisdiction, and, provided, further, that he shall, within twenty-four hours after the decision of the committee, apply to said court, which shall issue a rule requiring the person declared by the committee to be the nominee of the party, to show cause, within forty-eight hours, why the action of the committee should not be reversed and set aside and the relief asked for granted, which rule shall be tried and decided, and the judgment thereon signed, either in open court or at chambers, within three days thereafter. An appeal from such decision may be granted on simple motion without citation, and shall be heard on the original record and testimony and finally decided within five days from the rendition of the judgment of the court of first instance; and should said case not be so finally decided on appeal within said delay. then the decision of said committee shall be final and effective.

Method of protesting returns by candidates.

In case any candidate should fail to receive a majority of the votes cast for the office for which he is a candidate, a second primary election shall be held, with the same election officers and at the same places as the first primary was held, four weeks from the date of the said first said primary; the expenses of the second primary are to be borne in the same manner as those of the first primary, hereinbefore provided for.

Second primary

At the second primary election no one can be a candidate except the two persons who have received the highest number of votes at the first primary election, for the office for which they were candidates.

Two highest candidates only to participate.

The returns shall be made and the votes canvassed and compiled, and the results declared and promulgated as is hereinbefore provided for the first primary.

Where one of the two candidates declines to run again.

In case of failure to elect because of the fact that no candidate receives a majority of the votes cast for the office for which he is a candidate, should one of the two persons receiving the highest number of votes decline to continue his candidacy, then the other who shall have received the highest number of votes shall be declared to be the nominee of the party.

Where tabulation of returns are to be made by proper committee.

That in all elections, where returns are, by this act, provided to be made to the respective chairmen of the respective committees ordering the said primary, it shall be the duty of the said chairman, immediately upon receiving the said returns, to at once open the same and cause same to be tabulated and compiled, and at 12 o'clock noon on the third day after the primary, the said committee ordering same shall reconvene at the same place and the chairman thereof shall submit to it the tabulated statement showing the result of the said primary, together with the original returns received by him.

Methods of protesting returns by candidates.

That any candidate feeling aggrieved at the result of the said primary shall then and there file his written protest setting forth in detail, clearly and distinctly, his grievances, and the committee shall immediately proceed to hear and decide the same and proclaim the results of said primary, provided, however, that any candidate feeling aggrieved by the decision of the committee shall have the right to have same reviewed by a court of competent jurisdiction, and the procedure, trial and appeal shall be the same as hereinbefore provided for review of decisions rendered by committees in relation to nomination of candidates for State officers.

Second primary.

That after the committee has met and proclaimed the results as hereinbefore provided, and it shall be found that any candidate failed to receive a majority of the votes cast for the office for which he was a candidate, a second primary shall be held, with the same election officers and at the same places as the first primary was held, and on the same date as the second primary for State officers or congressmen; if there be no second primary for State officers or congressmen, or the first primary be held at a time when neither State officers or congressmen shall be voted for, then the second primary shall be held fourteen days from date of the said first primary. The expenses of the second primary shall be apportioned and paid for in the same manner as those of the first primary, hereinbefore provided for.

Two highest candidates only to participate.

At the second primary election no one can be a candidate except the two persons who have received the highest number of votes at the

first primary for the office for which they were candidates. The returns shall be made and the votes canvassed and compiled, and the results declared and promulgated, as hereinbefore provided for the first primary.

Where one of the two candidates declines to to run again.

The same provisions for withdrawals as applies to candidates in the primaries for the United States Senator, members of the House of Representatives in Congress, Governor and other State officers, voted for throughout the entire State and respective congressional districts, shall govern, in case any candidate at this primary desires to withdraw from the second primary.

State Central Committee and subordinate committees constituted legal governing committees of political parties.

Section 26. Be it further enacted, etc., The State Central Committes and all other subordinate or local committees of all the political parties coming within the provisions of this Act, as now constituted, are hereby recognized as the legal committees and the governing authorities of the said political parties.

That the members thereof shall hold their offices as members of the said committees for the term for which they have been already elected. That they are authorized to make any rules and regulations for their government not in conflict with any provisions of this Act. That the State Central Committees of all political parties, as now constituted, shall direct and order how all subordinate or local committees shall be organized and constituted, fix their number, regulate their term of office, provided same shall not be for a longer term than four years, and the time of their election, provided, however, that the members of all committees shall be elected in a direct primary.

State Central Committee: how selected.

That the State Central Committee of all political parties in this State shall consist of one member from each parish and one member from each of the wards of the Parish of Orleans, and three members at large from each congressional district to be voted for within their respective congressional districts, and shall be elected by the voters of the party at the same primary election held to nominate candidates for Governor and other State officers who are to be voted for throughout the entire State.

Participants in primary election precluded from taking part in other nominations

Section 27. Be it further enacted, etc., That no one who participates in the primary election of any political party, shall have the right to participate in any primary election of any other political party, with a view of nominating opposing candidates, nor shall be permitted to sign any nomination papers for any opposing candidate or candidates; nor shall he be permitted to be himself a candidate in opposition to any one nominated at or through a primary election in which he took part.

Where only one candidate offers, no primary necessary.

Section 28. Be it further enacted, etc., That in the event that after the date has passed on which candidates are allowed to enter and file their notification in any primary under this Act, it shall be found that

there be but one candidate for any particular office for which the primary has been called, the respective committee ordering said primary shall then be immediately convened, and the person so entering and being thus unopposed shall be declared to be the nominee of the party that has ordered said primary, for the particular office for which he has offered, without the necessity of holding a primary election for said office.

How vacancies among nominees shall be filled.

Section 29. Be it further enacted, etc., That all vacancies caused by death, resignation or otherwise among the nominees selected by any political party, under the provisions of this Act, shall be filled by the committee which has jurisdiction over the calling and ordering of the said primary election.

Police officer to be provided at each polling place in cities and towns

Section 30. Be it further enacted, etc., That it shall be the duty of the chief executive officers of the police force of each city or town, to detail one police officer who shall be stationed at each polling place on the day of election, to preserve order and to protect each and all of said election officers from any interference with, or obstruction in the performance of their respective duties, and to aid in enforcing the provisions of law relating to elections, and said police officers so detailed, shall be subject to the orders of the commissioners of election only, and said police officer so detailed, shall not, under any circumstances, interfere with voters, or with the conduct of said election, or with the election officers or watchers, and shall be under the exclusive orders of the commissioners in charge of said poll from time of the opening of the polls to the completion of the count, and the said officer shall not be permitted to enter the barrier or railing at the polling place except for the purpose of casting his vote, or of executing orders and instructions given him by the Commissioners of Election.

Barrooms within one mile of election booth to be closed on election day.

That all bar-rooms, cabarets and coffee-houses and places where liquors are kept, within one mile of any ward or precinct where an election is being held, shall be and remain closed during the day of an election until twelve o'clock P. M., and no liquors shall be sold or given away on election day within the above specified limits. Commissioners of Election are hereby authorized to enforce this provision and to call upon and direct the police officers to discharge their full duties in every particular.

Prohibiting the use of intoxicating liquors in polling places.

Whoever, in a polling place has in his possession any intoxicating liquor, shall be deemed guilty of disorderly conduct, and the commissioner shall order such person to remove such liquor, or to withdraw himself from such place, and on his refusing or neglecting to obey such order, shall direct any police officer or other person present to take him rom the place and confine him in some convenient place until the elec-

tion is completed. The person so refusing shall, for each such offense be punished as provided in Section 31 of this Act.

Penalty for any officer refusing to perform his duty.

Section 31. Be it further enacted, etc., That any officer, (whether State, parochial or municipal), or any person or member of any committee, or any commissioner, clerk or special deputy of any political party coming under the provisions of this Act, who shall willfully refuse to perform any duty imposed upon him, by any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $50.00 and not more than $500.00, and be imprisoned for not less than two months and not more than one year in the parish jail, and shall be ineligible for four years to hold any office of trust or profit in this State.

Penalty for making false answer.

Section 32. Be it further enacted, etc., That any person offering to vote, who shall, under oath administered by any of the commissioners of such election, willfully, untruly or falsely answer any pertinent question asked by any election commissioner, or make mis-statements, intended to mislead and to deceive the Commissioners of Election, for the purpose of voting, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 31 of this Act.

Penalty for any election officer designedly omitting to do any official duty.

Section 33. Be it further enacted, etc., That if any commissioner, clerk, or any other officer whatever, assisting or engaged in conducting any election or charged with any duty in reference to any election, shall designedly omit to do any official duty required by law; or designedly do any illegal act in relation to any general or special primary election by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided for in Section 31 of this Act.

Penalty for voting twice.

Section 34. Be it further enacted, etc., That any person who shall vote or who shall offer to vote at any primary election held under this Act, who has voted at the same or at any other precinct on the same day, and for the same purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 31 of this Act.

Penalty for election officer permitting fraudulent voting.

Section 35. Be it further enacted, etc., That any commissioner or clerk at any primary election who shall knowingly permit any fraudulent vote to be cast, or who shall knowingly receive or deposit in the

ballot box a ballot offered by any person not qualified to vote, in that box and at that election, or by any person who has previously voted at such election, or who shall in any way knowingly procure any disqualified person to vote, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 31 of this Act.

Penalty for any officer acting in contravention or violation of this Act

Section 36. Be it further enacted, etc., That any person intrusted with the performance of any duty, under the provisions of this Act, who, after he shall have consented, been sworn and begun to perform the same, willfully neglects or refuses to further perform such duty, or, who shall fraudulently act in contravention or violation of any of the provisions of this Act, or who performs or assists in any act, whether in voting, receiving or depositing ballots, or caring for the ballots or ballot boxes, or who shall willfully miscall, misread, or fail to call or read the name of any person whose name is voted on any ballot, or, who willfully enters on any tally sheet a greater or less number of votes for any person than such person actually received with intent to change the result of said election, or to impair or improve the chances of election of any candidate, or who knowingly permits any illegal voting or fraud in any manner, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in Section 31 of this Act.

Penalty for offering to give or receive a bribe.

Section 37. Be it further enacted, etc., That if any person shall at any primary election herein provided for, or prior thereto, buy or sell any vote, or give or offer to give anything of value, or, shall in any manner intimidate or attempt to intimidate, by any threat or promise, for the purpose of influencing any voter to cast his vote in favor of any person or question, or against any person or question; or if any person shall at such election for any pecuniary consideration, vote or offer to vote for any particular person or question, or against any particular person or question, or in the real or supposed interest of any person or question, or, if any person shall, at, or prior to such election give or receive a bribe, reward or promise, which is given or received with the view, intention or expectation that the voter will be influenced thereby to cast his vote in any particular way, whether the vote be cast or not, or changed thereby or not; or if any person shall at such election give or receive any consideration for voting or refraining from voting, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided for in Section 31 of this Act.

Penalty for tampering with the ballot box.

Section 38. Be it further enacted, etc., That any person who knowingly hands in two or more ballots folded together, or who adds or attempts to add any ballot to those legally and fairly polled, either by fraudulently introducing same into the ballot box before or after the

ballots are counted, or who adds to or mixes with the ballots lawfully cast, other ballots, while the votes are being counted or canvassed, or at any other time, or at any time abstracts any ballots lawfully and fairly polled, with the intention to change the result of such election, or to change the count thereat in favor of or against any person voted for at such election, or carries away or destroys any tally sheets, ballots or ballot boxes for the purpose of affecting the returns, or of breaking up or invalidating such election, or, who willfully detains, mutilates or destroys any such election returns, or in any manner interferes with the officers holding such election or conducting the canvass, or with the voters lawfully exercising their right of voting at such election or canvass to be peaceably held and fairly conducted, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 31 of this Act.

Penalty for forging or counterfeiting returns.

Section 39. Be it further enacted, etc., That any person who forges or counterfeits returns of any primary election purporting to have been held at a precinct or designated polling place where no election was in fact held, or who substitutes forged or counterfeited returns of a primary election in place of true returns where an election was actually held, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided for in Section 31 of this Act.

Penalty for any person illegally having official ballots in his possession.

Section 40. Be it further enacted, etc., That it shall be unlawful for any person or persons before or during the conduct of any election held under this Act, to have in his or their possession any official ballot, and any one found in possession of such official ballots, except the proper legal custodians of same, shall be punished as provided for in Section 31 of this Act.

Section 41. Be it further enacted, etc., That all laws or parts of laws in conflict with any of the provisions of this Act, be and the same are hereby repealed.

J. W. HYAMS,
Speaker of the House of Representatives.
J. Y. SANDERS,
Lieutenant Governor and President of the Senate.
Approved June 29th, 1906.
NEWTON C. BLANCHARD,
Governor of the State of Louisiana.

A true copy:
JOHN T. MICHEL,
Secretary of State.